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LEGISLATIVE SUPPLEMENT

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PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 21st April, 2016

No. Leg. 13/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 11th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 10 OF 2016**THE HARYANA APPROPRIATION (REPEAL) ACT, 2016****AN****ACT***to repeal certain Haryana Appropriation Acts.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Haryana Appropriation (Repeal) Act, 2016. Short title.
2. The Haryana Appropriation Act, 1967 (35 of 1967), the Haryana Appropriation Act, 1968 (11 of 1968) and the Haryana Appropriation (Vote on Account) Act, 1968 (12 of 1968), are hereby repealed. Repeal of certain Acts.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 21st April, 2016

No. Leg. 14/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 11 OF 2016
THE HARYANA FIRE SERVICE (AMENDMENT) ACT, 2016

AN
ACT

further to amend the Haryana Fire Service Act, 2009.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Haryana Fire Service (Amendment) Act, 2016.

Amendment of
section 15 of
Haryana Act 12 of
2009.

2. In section 15 of the Haryana Fire Service Act, 2009,—

(i) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) On completion of construction of the high-rise building, a no objection certificate shall be obtained, which shall be valid for a period of five years. In the absence of such certificate, the owner shall not occupy, lease or sell the building.”.

(ii) after sub-section (5), the following sub-section shall be added, namely:—

“(6) The owner/occupier of the building shall give a self declaration certificate annually to the effect that the fire fighting system installed in his building/premises is working in good condition and there is no addition/alteration in the building. In case there is any addition/alteration in the building, the Fire No Objection Certificate shall cease to exist and the owner shall apply for approval of revised Fire Fighting Scheme as per sub-section (1) and the competent authority may randomly check such building/premises.”.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT**LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 21st April, 2016

No. Leg. 15/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 12 OF 2016**THE HARYANA MUNICIPAL (AMENDMENT) ACT, 2016****AN****ACT***further to amend the Haryana Municipal Act, 1973.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

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| <p>1. This Act may be called the Haryana Municipal (Amendment) Act, 2016.</p> <p>2. In clause (d) of sub-section (1) of section 13A of the Haryana Municipal Act, 1973,—</p> <p style="padding-left: 20px;">(i) for the sign ‘.’ existing at the end, the sign and word ‘; or’ shall be substituted;</p> <p style="padding-left: 20px;">(ii) after clause (d), the following clauses shall be added, namely:—</p> <p style="padding-left: 40px;">“(e) if he has been convicted or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or</p> <p style="padding-left: 40px;">(f) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Co-operative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or</p> <p style="padding-left: 40px;">(g) if he fails to pay arrears of electricity bills; or</p> <p style="padding-left: 40px;">(h) If he has not passed matriculation examination or its equivalent examination from any recognized institution/board:</p> <p style="padding-left: 60px;">Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass:</p> <p style="padding-left: 60px;">Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum qualification shall be 5th pass; or</p> <p style="padding-left: 40px;">(i) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence.”.</p> <p>3. (1) The Haryana Municipal (Amendment) Ordinance, 2016 (Haryana Ordinance No. 2 of 2016), is hereby repealed.</p> <p style="padding-left: 20px;">(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.</p> | <p>Short title.</p> <p>Amendment of section 13A of Haryana Act 24 of 1973.</p> <p>Repeal and savings.</p> |
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KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 21st April, 2016

No. Leg. 16/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 13 OF 2016
THE HARYANA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2016

AN
ACT

further to amend the Haryana Municipal Corporation Act, 1994.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Haryana Municipal Corporation (Amendment) Act, 2016.

Amendment of
section 8 of
Haryana Act 16 of
1994.

2. In clause (n) of sub-section (2) of section 8 of the Haryana Municipal Corporation Act, 1994,—

- (i) for the sign ‘.’ existing at the end, the sign and word ‘; or’ shall be substituted;
- (ii) after clause (n), following clauses shall be inserted, namely:—

“(o) if he has been convicted or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or

(p) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Co-operative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or

(q) if he fails to pay arrears of electricity bills; or

(r) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass:

Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum qualification shall be 5th pass; or

(s) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence.”.

Repeal and
savings.

3. (1) The Haryana Municipal Corporation (Amendment) Ordinance, 2016 (Haryana Ordinance No. 3 of 2016), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT**LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 21st April, 2016

No. Leg. 17/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 14 OF 2016

**THE HARYANA MANAGEMENT OF CIVIC AMENITIES AND INFRASTRUCTURE
DEFICIENT MUNICIPAL AREAS (SPECIAL PROVISIONS) ACT, 2016**

AN**ACT**

*to make special provisions for providing essential services in civic amenities
and infrastructure deficient municipal areas in the State of Haryana and
for matters connected therewith and incidental thereto.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2016.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "competent authority" means an authority competent to take legal action for violations, under the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953), or any other law for the time being in force;
- (b) "declared area" means an area declared to be civic amenities and infrastructure deficient area under section 3;
- (c) "essential services" means water supply, sewerage, roads and street lights;
- (d) "Government" means the Government of the State of Haryana in the Administrative Department;
- (e) "municipal area" means the municipal area as defined in the Haryana Municipal Act, 1973 (24 of 1973) or the Haryana Municipal Corporation Act, 1994 (16 of 1994), as the case may be;
- (f) "municipality" means a municipality as defined in the Haryana Municipal Act, 1973 (24 of 1973) and the Haryana Municipal Corporation Act, 1994 (16 of 1994);
- (g) "unauthorized building" means a building that has been erected in contravention of the provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), the Punjab New Capital (Periphery) Control Act, 1952 (Punjab Act 1 of 1953) or any other law for the time being in force.

Declared area.

3. The Government may, by notification in the Official Gazette, declare any area of the municipal area to be civic amenities and infrastructure deficient area wherein-

- (a) construction has taken place on more than fifty percent plots prior to the 31st March, 2015; and
- (b) a resolution to this effect is passed by the concerned municipality and recommended by the concerned Divisional Commissioner in case of a Municipal Corporation and the Deputy Commissioner in case of a municipality:

Provided that the resolution already passed by the concerned municipality and recommended by the Divisional Commissioner or the Deputy Commissioner, as the case may be, fulfils the criteria, laid down by the Government.

Enforcement to be kept in abeyance.

4. (1) Notwithstanding anything contained in any other State law for the time being in force in the State of Haryana, any judgment, decree or order of any court or any authority to the contrary, any rules, regulations or bye-laws made there under, the Government shall within a period of one year from the commencement of this Act, take all possible measures to finalize norms, policy guidelines and feasible strategies to deal with the problem of civic amenities and infrastructure deficiencies, in the declared areas.

(2) All notices and restoration orders passed prior to the commencement of this Act, by any competent authority in the declared area for initiating legal action against persons who have sub-divided the land without authority or have erected or re-erected unauthorized buildings in contravention of provisions of the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963), or any other law for the time being in force, shall be deemed to have been suspended in the declared area and no further punitive action shall be taken during the aforesaid period of one year, except in the cases forwarded and pending before any court.

Regularisation of plots/buildings.

5. Notwithstanding anything contained in any other State law for the time being in force, the concerned municipality under which the declared area falls, may initiate action for providing essential services in such an area and further the plots or buildings located in the declared area shall, subject to the payment of fee and fulfillment of the terms and conditions within the specified time, as may be prescribed, be deemed to be regularized.

Entitlement for benefit.

6. No person shall be entitled to claim any benefit or relief-unless all the terms and conditions as specified by the Government have been fulfilled and requisite fee, as may be prescribed by the Government, has been deposited.

Immunity

7. (1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made there under.

(2) No suit or other legal proceedings shall lie against the Government in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Bar of jurisdiction.

8. No civil court shall have the jurisdiction to entertain any suit relating to matters falling under this Act or the rules made thereunder.

Exemptions.

9. Nothing in this Act shall apply to any area-

- (a) which is notified/covered under the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Forest Conservation Act, 1980 (Central Act 69 of 1980), the Environment Protection Act, 1986 (Central Act 29 of 1986), the Works of Defence Act, 1903 (Central Act 7 of 1903), the Indian Electricity Act, 1910 (Central Act 9 of 1910) or any other Central Act;

- (b) owned by the Central or the State Government;
- (c) owned by Boards and Corporations of the Central or the State Government;
- (d) owned by public sector undertakings constituted under any law;
- (e) where any industrial unit is located;
- (f) where any commercial building, mall, multiplex, hotel or banquet hall is located;
- (g) where any other type of building, as may be prescribed by the Government, is located.

10. The Government may, by notification in the Official Gazette and subject to previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

11. (1) The Haryana Management of Civic Amenities and Infrastructure Deficient Municipal Areas (Special Provisions) Act, 2013 (Haryana Act 13 of 2013), is hereby repealed. Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.